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Hearing Date: March 13, 2014
Time: 10:30 a.m.

Objection Deadline: March 6, 2014
Time: 5:00 p.m.

*Attorneys for Irving H. Picard, Trustee for the
substantively consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

FEDERICO CERETTI, ET AL.

Defendants.

Adv. Pro. No. 09-1161 (SMB)

**NOTICE OF MOTION AND MOTION FOR ENTRY OF ORDER UNDER RULE 15 OF
THE FEDERAL RULES OF CIVIL PROCEDURE, AS INCORPORATED BY RULE
7015 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, GRANTING
MOTION FOR LEAVE TO FILE FOURTH AMENDED COMPLAINT**

PLEASE TAKE NOTICE that Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities, LLC and the estate of Bernard L. Madoff, by and through the Trustee’s undersigned counsel, will move before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, New York, New York 10004, on March 13, 2014 at 10:30 a.m., or as soon thereafter as counsel may be heard, seeking entry of an Order under Rule 15 of the Federal Rules of Civil Procedure, as incorporated in this proceeding by Rule 7015 of the Federal Rules of Bankruptcy Procedure, granting the Trustee’s motion for leave to file the Fourth Amended Complaint, in substantially the form attached as *Exhibit 1*, on the grounds and for the reasons set forth in the accompanying Memorandum In Support Of Motion For Leave To File Fourth Amended Complaint.

PLEASE TAKE FURTHER NOTICE that any responses or objections to the Motion must be: (i) in writing, conform to applicable rules of this Court and be filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004, in accordance with General Order 242 by no later than **5:00 p.m. on March 6, 2014** (the “Objection Deadline”) (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein); and (ii) served upon (a) Baker & Hostetler LLP, counsel for the Trustee, 45 Rockefeller Plaza, New York, NY 10111, Attn: David J. Sheehan and Geraldine E. Ponto; and (b) Securities Investor Protection Corporation, 805 15th Street, N.W., Suite 800, Washington, D.C. 20005, Attn: Kevin H. Bell, so as to be received no later than the Objection Deadline. Any

objections must specifically state the interest that the objecting party has in these proceedings and the specific basis of any objection to the Motion.

PLEASE TAKE FURTHER NOTICE that notice of this Motion will be provided by U.S. Mail or email to all defendants in this adversary proceeding in accordance with the Order Establishing Notice Procedures (ECF No. 4560). The Trustee submits that no other or further notice is required.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

Dated: February 18, 2014
New York, New York

/s/ David J. Sheehan
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